

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DICK'S SPORTING GOODS, INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 09-953
v.)	
)	Chief Judge Ambrose
KENNETH SARBER, GANDER)	
MOUNTAIN COMPANY, GANDER)	ELECTRONICALLY FILED
DIRECT MARKETING SERVICES, LLC.,)	
and OVERTON'S, INC., individually and)	
jointly,)	
)	
Defendants.)	

ORDER

AND NOW, this 10th day of August, 2009, upon consideration of Plaintiff's

Consensual Motion for Permanent Injunction (doc. no. 19), it is hereby ORDERED that said Motion is GRANTED. Specifically, it is hereby ORDERED that:

1. The terms and conditions of this Court's Order dated July 27, 2009 (doc. no. 16) are hereby superseded in their entirety by the terms and conditions contained herein.
2. Kenneth Sarber ("Sarber") shall be enjoined from working for Gander Mountain Company ("Gander Mountain"), its affiliates, Overton's, Inc. ("Overton's") and Gander Direct Marketing Services, LLC ("Gander Direct") or any Gander Mountain affiliates for a one-year period (June 19, 2009 - June 19, 2010)("Injunction Period"), and Gander Mountain, Overton's and Gander Direct shall be enjoined from allowing Sarber to perform any services on their behalf during the Injunction Period.


3. Defendants are also enjoined from conspiring to breach Sarber's non-compete agreement and from misappropriating or disclosing to any person or entity Dick's confidential and proprietary business information under the common law and under the agreement.

4. Sarber, Gander Mountain, Overton's and Gander Direct shall immediately return and deliver to Dick's any of Dick's property that came to be in the possession or control of any Defendant, directly or indirectly through Sarber, whether in paper or electronic form, and including but not limited to any confidential information defined under the agreement, and each Defendant shall issue a verification within ten (10) days of this Order confirming that each has completed a reasonable search and has complied with this court Order. All verifications and any property shall be returned to Marnie Schock, RIDC Park West, 300 Industry Drive, Pittsburgh, PA 15275.

5. Defendants Sarber, Gander Mountain, Overton's and Gander Direct shall be enjoined from assisting directly or indirectly any person or entity to perform any act prohibited by this Order.

6. This case shall be administratively closed by the court with the court retaining jurisdiction of this matter to ensure compliance with the court Order. If Defendants remain in compliance with this Order, at the completion of the Injunction Period, the case shall be dismissed with prejudice with both sides bearing their own costs and fees and Dick's will not challenge Sarber going to work for Defendants at that point.

7. Provided Defendants remain in compliance with this order, this case shall be stayed during the Injunction Period.


United States District Judge